

CHAPTER 85

AN ACT

HB 2982

Relating to paying insurance claims for losses from major disasters; creating new provisions; amending ORS 742.053; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 742.053 is amended to read:

742.053. [(1) An insurer shall furnish, upon written request of any person claiming to have a loss under an insurance policy issued by such insurer, forms of proof of loss for completion by such person, but such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion.]

[(2) With respect to fire insurance, an insured shall have 90 days after receipt of proof of loss forms to furnish proof of loss, notwithstanding anything more restrictive contained in the policy.]

(1) An insurer, in response to a written request, shall provide forms for proving a loss for which a person makes a claim under an insurance policy the insurer issues. The requirement to provide forms under this subsection does not impose responsibility upon the insurer for the person’s proof of loss, attempt to prove the loss or manner of proving the loss.

(2) If the insurance policy is fire insurance, notwithstanding any more restrictive requirement in the insurance policy, an insured must provide proof of loss within 90 days after receiving a form described in subsection (1) of this section.

(3)(a) As used in this subsection, “major disaster” means a state of emergency the Governor declares under ORS 401.165 that involves or threatens to involve widespread loss of life, injury to persons or property, human suffering or financial loss.

(b) Notwithstanding subsection (2) of this section and ORS 742.230, if an insured who holds a policy of personal insurance, as defined in ORS 746.600 (33)(b) and (c), experiences a total loss of the contents of a residence as a result of a major disaster and provides in documentation that the Director of the Department of Consumer and Business Services specifies by rule that the residence was furnished, that the loss occurred as a result of a major disaster in a location that was subject to a declaration of a state of emergency under ORS 401.165 and that the loss is directly related to the emergency that was the subject of the declaration, the insurer shall:

(A) Offer the insured a minimum of 70 percent, or a larger percentage upon which the insurer and insured agree, of the coverage the

insured purchased previously for the contents of the residence without requiring the insured to submit a written inventory of the loss;

(B) Notify the insured that:

(i) Accepting the offer described in subparagraph (A) of this paragraph does not change the benefits available under the insurance policy; and

(ii) The insured may obtain more benefits by submitting a complete inventory of the loss;

(C) Disclose information about how the insurer determines the depreciated value of the contents of the insured property, if the insurer provides a depreciated value;

(D) Pay for any covered costs associated with removing debris not later than 60 days after receiving an invoice, receipt or other documentation that shows the date and cost of the removal, except that if a governmental agency removes the debris or is involved in removing the debris, the insurer may pay within a reasonable time; and

(E) Pay for any covered loss of trees, shrubs or landscaping within 30 days after receiving documentation of the loss, such as documentation from a reputable landscaping contractor, that shows the number and nature of the trees, shrubs or landscaping that was damaged or destroyed, unless:

(i) The insurer disputes the coverage; or

(ii) The insurer and insured agree that the insurer will pay the costs later in the claims process.

(c) If an insured submits an inventory of a loss described in paragraph (b) of this subsection with an amount that exceeds the amount the insurer offered under paragraph (b)(A) of this subsection, the insurer shall:

(A) Request any other information the insurer requires concerning the inventory not later than 30 days after receiving the inventory; and

(B) Pay within 30 days after receiving the inventory for any items the coverage, cost or condition of which the insurer does not dispute.

(4) The Director of the Department of Consumer and Business Services may adopt rules to carry out the purposes set forth in this section.

SECTION 2. The amendments to ORS 742.053 by section 1 of this 2023 Act apply to insurance policies that an insurer issues on or after the operative date specified in section 3 of this 2023 Act.

SECTION 3. (1) The amendments to ORS 742.053 by section 1 of this 2023 Act become operative on January 1, 2024.

(2) The Director of the Department of Consumer and Business Services may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the director, on and

after the operative date specified in subsection (1) of this section, to undertake and exercise all of the duties, functions and powers conferred on the director by the amendments to ORS 742.053 by section 1 of this 2023 Act.

SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Approved by the Governor May 16, 2023
Filed in the office of Secretary of State May 19, 2023
Effective date September 24, 2023
